

**CITY OF DELTONA, FLORIDA
REGULAR CITY COMMISSION MEETING
MONDAY, AUGUST 16, 2010**

A Regular Meeting of the Deltona City Commission was held on Monday, August 16, 2010 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

1. CALL TO ORDER:

The meeting was called to order at 6:35 p.m. by Mayor Mulder.

2. ROLL CALL:

Mayor	Dennis Mulder	Present
Vice Mayor	Michele McFall-Conte	Present
Commissioner	Michael Carmolingo	Present
Commissioner	Zenaida Denizac	Present
Commissioner	Janet Deyette	Present
Commissioner	Paul Treusch	Present
Commissioner	Herb Zischkau	Present
City Manager	Faith G. Miller	Present
City Attorney	Gary J. Cooney	Present
City Clerk	Joyce Kent	Present

Also present: Planning and Development Services Director Chris Bowley; Building & Zoning Services Director Cy Butts; and Parks & Recreation Director Steve Moore.

3. SILENT INVOCATION AND PLEDGE TO THE FLAG:

Mayor Mulder led the audience in the silent invocation and the Pledge of Allegiance to the Flag.

4. APPROVAL OF MINUTES & AGENDA:

1. Regular City Commission Meeting – August 2, 2010.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to adopt the minutes of the Regular City Commission Meeting of August 2, 2010 as presented.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

B. Additions or Deletions to Agenda:

Ms. Miller stated there is an addition of a Proclamation for Neighborhood Watch #49; there were some changes made by the City Attorney's Office to the two (2) resolutions in the agenda packet for Items 10-B and 10-C and there was a typo on Resolution No. 2010-27, the word "medication" should be "modification"; and there is a request for Add-On Item 9-B, Discussion and direction regarding

Team Volusia Economic Development Corporation Final Business Plan and the Commission concurred.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to add the Add-On Item 9-B to the agenda.

Commissioner Denizac requested that the Add-On Item 9-B be added to the next agenda because she was recently provided additional information and this would allow the Commission to be able to read through the contract in advance.

Commissioner Zischkau stated the membership was already rejected by a seven (7) to zero (0) vote at a prior meeting and he did not hear anything at the workshop that would change his mind.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	Against
Vice Mayor McFall-Conte	For
Mayor Mulder	For

5. PRESENTATIONS/AWARDS/REPORTS:

A. Presentation by Joe Johnson, President/CEO of Florida Hospital Fish Memorial.

Joe Johnson, President/CEO of Florida Hospital Fish Memorial, gave a brief update regarding the plans for a new facility at the corner of Doyle Road and S. R. 415 for which preliminary planning began in 2008 when the property was acquired but, it is not enough property to support a hospital. The property is 11 acres which will support three (3) phases and Phase 1 will include a 30,000 sq. ft. building along Doyle Road that would house things like physician offices that would include a diagnostic imaging center, urgent care, physical therapy and outpatient center. He stated he hopes the facility will bring economic development to Deltona and approximately 30 employment opportunities. The property allows for an additional building which could be used for additional outpatient services. He stated he is working with the County to make sure all considerations are addressed and currently looking at the permit process and selecting a contractor. He stated he does not have a firm date of construction but, the property should be "shovel ready" soon.

Commissioner Denizac stated that the community needs to be supportive of these clinics, endorse it and support it.

Commissioner Treusch asked if the permit process was completed, how much of Phase 1 has been committed to and has anyone contacted Votran to provide transportation to the facility. Mr. Johnson replied there are some elements of the permit process that are still being worked out with the County, approximately 10,000 square feet will be shelled in so there is approximately 2/3rd; that will be built out and that there has not been any discussions with Votran but, that it would be an excellent next

1 step.

2 Commissioner Zischkau suggested the Commission ask Mr. Johnson to attend a Commission
3 workshop within the next month so the Commission could ask questions and let him speak in length
4 on the project. Mr. Johnson stated he has shared as much as he has right now but, if there are some
5 brainstorming ideas that the Commission would like to share he would enjoy that.

6
7 Mayor Mulder asked if it would be possible for Mr. Johnson to meet with the Commission
8 individually and he replied "it would be his honor".

9
10 Commissioner Carmolingo asked Mr. Johnson to keep the Commission informed regarding the
11 progress of the project.

12
13 Vice Mayor McFall-Conte suggested that the next time Mr. Johnson had an update to provide that he
14 contact the City to be placed on the agenda.

15
16 **B. Proclamation – Frank Olszewski – Neighborhood Watch #49.**

17
18 Mayor Mulder read the proclamation recognizing Frank Olszewski for his efforts to maintain an
19 active Neighborhood Watch Group in his neighborhood for over ten (10) years and he encouraged
20 other interested residents to form Neighborhood Watch Groups of their own to become more
21 involved in the safety of their neighbors and fellow Deltona residents.

22
23 **6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

24
25 a) Thomas Dockery, 2940 Greyton St., thanked the Volusia County Sheriff's Office for the National
26 Night Out Event which was a great teaching element and he encouraged everyone to participate in
27 the Neighborhood Watch Program.

28
29 b) Patsy Dockery, 2940 Greyton St., spoke regarding National Night Out, kids going astray who need
30 help getting back on track, bad press, leadership in Deltona and treating people equal.

31
32 c) Larry DeMatteo, 2501 Barry Dr., spoke regarding the Howland Blvd. median, plant life which
33 could be planted in the median, having "Do Not Litter" signs in the median and he provided
34 suggested locations for planting trees.

35
36 d) Mike Johnson, 1986 Hunter Ave., spoke regarding incidents he had spoken about in previous
37 meetings, documentation he had provided to the Commission, the City not giving him due process,
38 the bidding process for Fire Station #65, Mayor Mulder's closing comments at the last meeting,
39 being allegedly forced out of his job and wanting his job back.

40
41 e) Fred Lowry, 1753 Gatewood Dr., invited everyone to attend the Fall Festival at Deltona Lakes
42 Baptist Church on September 25th from 10:00 a.m. to 4:00 p.m. He stated the blood mobile will
43 be there as well as the Deltona Fire Department, Volusia County Sheriff's Office who will be
44 fingerprinting children, the Florida Division of Blind Services, there will be bicycles given away,
45 people will be fed, Florida Hospital will offer information on diet and nutrition and there will be a
46 dunk tank.

47

f) Jacinto Garcia, 2970 Irondale St., spoke regarding safety in his neighborhood where more than eight (8) homes have been broken into, the need for more police patrolling the City, bad politics, nothing being done in the City over the last five (5) years, a City pool and giving back to the City.

7. CONSENT AGENDA:

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to approve Consent Agenda Item 7-A, 7-B and 7-C.

Commissioner Denizac asked to pull Consent Agenda Items 7-A and 7-B.

Amended motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to approve Consent Agenda Item 7-C.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

A. Request for approval of Award of Bid #10024, Wes Crile Park Renovations.

Commissioner Denizac stated she will not be voting for this agenda item because Wes Crile Park does not fall in the Community Development Block Grant (CDBG) area even though it does service the CDBG population. She stated there is no service within District #1 from Votran only route 21 and 22 which goes around the out skirts of Howland and Elkcarn Blvds. She stated unless parents from District #1 take their kids to Wes Crile Park it is not serving the population of that district. She stated the money should go to the CDBG areas like Harris M. Saxon and Dwight Hawkins Parks.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to make award of Bid #10024 for Renovations at Wes Crile Park to Pat Lynch Construction, LLC at a total cost of \$52,481.

Motion carried with members voting as follows:

Commissioner Carmolingo	For
Commissioner Denizac	Against
Commissioner Deyette	For
Commissioner Treusch	For
Commissioner Zischkau	For
Vice Mayor McFall-Conte	For
Mayor Mulder	For

B. Request for approval to purchase replacement Cardiac Monitors and a budget amendment to record receipt of grant funds and to adjust Capital Budget for project substitution with the CAD system replacement project.

Commissioner Denizac stated the information provided is somewhat convoluted and she asked for clarification.

Fire Chief Staples stated staff requested replacement of 10 cardiac monitors but, the State of Florida decided it would only fund five (5) cardiac monitors or 50% of the request and of that they provided a 75% matching grant for the five (5) cardiac monitors out of the 10 which were requested.

Commissioner Treusch asked how old the present monitors were and Fire Chief Staples replied the oldest ones are nine (9) years old with the newest monitor being five (5) years old and the life expectancy of the monitors is between seven (7) and eight (8) years. He stated there is a trade in allowance for all 10 monitors.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Treusch to record receipt of \$112,795 in EMS (State) Grant Funds for purchase of replacement cardiac monitors at a total cost of \$291,785.70 for ten (10) monitors and to authorize the associated budget amendment to recognize receipt of the grant funds and an adjustment to FY 09/10 Capital Budget to include the Cardiac Monitor project in the FY 09/10 Capital Budget, and to move the CAD System Replacement Project to the FY 10/11 Capital Budget.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

***C. Request for approval of Facility Use Agreement for The Lighthouse Pentecostal Church of Jesus, Inc.**

Approved by Consent Agenda – to approve the Long Term Facility Use Agreement with the Lighthouse Pentecostal Church of Jesus, Inc. for use of the Conference Room at the Harris Saxon Community Center for a period of one (1) year, effective August 16, 2010 with an option to renew for an additional one (1) year and may be renewed yearly up to a total of three (3) one year renewals upon written acceptance by the City prior to each successive renewal.

8. ORDINANCES AND -PUBLIC HEARINGS:

A. Public Hearing – Ordinance No. 08-2010, Amending Section 98-35 of the Code of Ordinances, pertaining to a tree bank that provides for payment into a tree fund under certain circumstances, for second and final reading.

The public hearing was opened and closed as there were no public comments.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to adopt Ordinance No. 08-2010, an Ordinance of the City of Deltona, amending Section 98-35 of the Code of Ordinances, pertaining to a tree bank and providing for payment into a tree fund under certain circumstances at second and final reading.

Commissioner Denizac stated she has been advocating for signs that say “Keep Deltona Clean and Green” and she suggested using the tree replacement fund in a wise manner by not just beautifying the medians but, also parks to provide shade.

Commissioner Zischkau stated this will ratify or correct a problem the City has had of collecting more than a half million dollars from the citizens which appears to him to be illegal and the City has not been spending the money without the authority of the Commission. He stated it is important to enact this Ordinance as soon as possible.

Mayor Mulder asked if it is the City Attorney’s opinion that the tree funds have been collected illegally and Mr. Cooney replied his understanding is that the Commission previously adopted a resolution that established the fee and that staff was using the methodology set forth in the ordinance as far as how the collection occurred. He stated he could find no reference in the code for the actual establishment of “the fund” as opposed to simply establishing the fee. He stated as staff looked at this it realized that the City should set up appropriately “the fund” so the fees collected under the resolution would have a place to go and a place to be spent. He stated he has made the corrections to the Ordinance as requested by the Commission and he believes he has met with the consensus of the Commission as to what those corrections should be and if there is any other corrections the Commission would need to let him know before the final vote. He stated could someone argue that “the fund” that was collected was not properly set up in an Ordinance. He stated there is generally a theory that if something has been collected it would be more costly to try to return it and a government entity is generally not required to return it.

Mr. Cooney read the title of Ordinance No. 08-2010.

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING SECTION 98-35 OF THE CODE OF ORDINANCES, CITY OF DELTONA, FLORIDA PERTAINING TO A TREE BANK; PROVIDING FOR PAYMENT INTO A TREE FUND UNDER CERTAIN CIRCUMSTANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Motion carried with members voting as follows: Commissioner Carmolingo, For; Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For; Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

Ordinance No. 08-2010 was adopted at second and final reading at 7:33 p.m.

B. Public Hearing – Resolution No. 2010-17, Granting a Conditional Use for the property located at 1649 Providence Blvd. for use as a Farmer’s Market under certain conditions.

The public hearing was opened.

Larry DeMatteo, 2501 Barry Dr., spoke against the Deltona Farmer’s Market.

The public hearing was closed.

1 Mr. Moore stated there has been an overwhelming response from the public, there is a list of
2 vendors as well as items they want to sell and he listed the items. He stated the cost for staff to
3 manage the market and maintain and cut the grass where the parking for the farmer's market
4 would be approximately \$500 a month.

5
6 Commissioner Denizac expressed her concerns regarding traffic and planting trees on private
7 property.

8
9 Commissioner Zischkau stated the farmer's market should not be on residentially zoned land, this
10 is on church property and property where Mayor Mulder owns a daycare. The right way to handle
11 this is to apply for commercial rezoning so as not to create a precedent.

12
13 Vice Mayor McFall-Conte asked how much it cost to have the farmer's market at City Hall and
14 Mr. Moore replied approximately \$300 a month. She expressed her concerns regarding the selling
15 of beauty items and the use of the alley between the property and the liquor store.

16
17 Commissioner Carmolingo expressed his concern regarding how the use of the alley next to the
18 property would impact the neighborhood but, he is still in favor of the farmer's market and he
19 wants to make sure whatever is done is the right thing for everyone.

20
21 Commissioner Treusch asked if there would be restrooms available and Mr. Moore replied it
22 would be an additional expense which was not budgeted because people are there for only a short
23 period of time so he did not see a need but, the church's restroom facilities could be available for
24 the vendors use.

25
26 Commissioner Treusch stated he is concerned about possible traffic issues and he would support
27 the farmer's market but, if traffic issues occur he thinks the City should look at a different
28 location.

29
30 **Motion by Commissioner Denizac, seconded by Commissioner Zischkau to stop the project**
31 **until a more suitable place can be found for the Farmer's Market.**

32
33 Mayor Mulder stated he does not think a more suitable place for the farmer's market could be
34 found and the Commission chose this property because of its visibility. He stated he supports the
35 farmer's market because he has seen them be very successful, the community deserves it, the
36 traffic count is highest at this location, it is one of the biggest parking lots in the City and both
37 businesses on the property are closed on the days the farmer's market would be open.

38
39 Vice Mayor McFall-Conte stated she is willing to support the farmer's market at the church
40 location for a period of four (4) months at which time the Commission could re-evaluate any
41 issues that come up. She stated if the church location does not work out that the owners of the
42 Deltona Plaza might like some business after the Winn Dixie closes.

43
44 Commissioner Zischkau asked Mayor Mulder to recuse himself from voting on the motion and the
45 expected motion after it because he feels he has a financial interest in the project.

46

Mayor Mulder asked the City Attorney for a legal reason for him to abstain from the vote. Mr. Cooney replied if Mayor Mulder had a pecuniary interest that would inure professional and private gain by any action that the Commission takes, that applies to any member of the Commission, in which the action would inure to their special professional or private gain it is incumbent upon the Commissioner to recuse themselves from voting and to filling out a form that Mrs. Kent will provide explaining why the Commissioner is not voting on the item. He stated if the Commissioner does not have such a pecuniary interest such as special and private gain then Florida Statutes typically requires the Commissioner as a member of the body to vote. He stated he does not know Mayor Mulder's business interest or his interest with the church itself so he would leave it up to him to determine that.

Amie Davis, 2476 Scottville Ave., stated there is no left turn signal going into the church when going southbound on Providence Blvd. but, there is coming out of the church property. She stated she personally thinks the church property is a good location, the church would be excited for the farmer's market to be there and for the City to use the property to benefit its residents would be a good thing.

Motion failed with members voting as follows:

Commissioner Carmolingo	Against
Commissioner Denizac	For
Commissioner Deyette	Against
Commissioner Treusch	Against
Commissioner Zischkau	For
Vice Mayor McFall-Conte	Against
Mayor Mulder	Against

Mayor Mulder suggested taking out the words "limited to 10 vendors" and allow staff to use their discretion.

Mr. Cooney stated the resolution in the agenda packet is a slightly different version than the version he has and he went through the changes.

Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to recommend that the Conditional Use Permit for the Deltona Farmer's Market be approved, subject to the following Conditions of Approval:

- 1. The farmer's market and parking area will be confined to the existing parking lot and grassed area located along Providence Blvd. In addition, all vendor areas and related pedestrian access to vendor areas will be separated with appropriate barriers from parking areas and traffic circulation.**
- 2. The farmer's market will be limited to only one (1) day a week on Saturday. Hours of operation will be restricted to 8:00 AM to 12:00 PM. However, vendors may be allowed to set up one (1) hour early and be given one (1) hour to disassemble, if needed. Merchandise sold will be limited to fresh garden crops, horticultural products, art and crafted items, which goods are subject to approval by the City.**

- 1 **3. A minimum of 30 parking places will be provided and a minimum of three (3) extra**
2 **spaces will be paved for handicap accessibility.**
3 **4. The subject farmer's market Conditional Use Permit will be reevaluated by the City**
4 **Commission six (6) months after approval.**
5

6 **Motion carried with members voting as follows:**
7

8	Commissioner Carmolingo	For
9	Commissioner Denizac	Against
10	Commissioner Deyette	For
11	Commissioner Treusch	For
12	Commissioner Zischkau	Against
13	Vice Mayor McFall-Conte	For
14	Mayor Mulder	For

15

16 **9. OLD BUSINESS:**
17

18 **A. Request approval of the agreement between Deltona United Church of Christ and the**
19 **City of Deltona.**
20

21 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to approve**
22 **the Farmers Market Agreement as presented.**
23

24 **Motion carried with members voting as follows:**
25

26	Commissioner Carmolingo	For
27	Commissioner Denizac	Against
28	Commissioner Deyette	For
29	Commissioner Treusch	For
30	Commissioner Zischkau	Against
31	Vice Mayor McFall-Conte	For
32	Mayor Mulder	For

33

34 **B. Discussion and direction re: Team Volusia Economic Development Corporation Final**
35 **Business Plan.**
36

37 Commissioner Deyette stated she would like to see the contract, receive feedback on the
38 Commission's requests which were brought up at the workshop and measurable goals.
39

40 Vice Mayor McFall-Conte stated if the City does not see a benefit in a year then it can drop out
41 and she does not know if the Commission can expect their demands to be met in order to join. She
42 suggested joining Team Volusia, offer them space in City Hall and then bring up the possibility of
43 the Commission's demands.
44

45 Mayor Mulder explained what Team Volusia Economic Development Corporation is, how
46 compassionate the Commission was on the subject at the last workshop but, that the Commission's

1 number one priority is economic development and there is no reason not to support joining Team
2 Volusia.

3
4 Commissioner Denizac stated she wanted to see the contract; the City would be paying to compete
5 with other cities in Volusia County but, with the City's handicaps. She suggested postponing the
6 item to the next Commission meeting so she can look at the contract, get her questions answered
7 and look at all the details.

8
9 Commissioner Zischkau stated he opposes joining Team Volusia at the citizen's expense of
10 \$42,000 which will be wasted on this particular project and the City is being overcharged because
11 the City's population is over stated. He stated the Team Volusia meetings are public meetings and
12 can be attended without paying \$42,000. He stated the City needs to spend its money on real
13 measures that will bring jobs into Deltona and stop talking about cooperating with Team Volusia.

14
15 Commissioner Treusch stated the City has tried in the past to bring in economic development
16 which has not worked, he agrees with Commissioner Zischkau that the City needs jobs and he
17 believes Team Volusia is a way to get jobs in Deltona and populate the empty shopping malls
18 within the City.

19
20 Commissioner Carmolingo stated \$42,000 is a lot of money but, it is important that the City be
21 included and he still likes the idea of having two (2) seats on the board and having an office in
22 City Hall.

23
24 Commissioner Deyette stated she has a number of concerns, it is clear Deltona will be competing
25 with all the cities in Volusia County, she would like to look over the contract and hear from the
26 residents who were not able to attend the workshop.

27
28 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo that the City**
29 **of Deltona join Team Volusia Economic Development Corporation beginning October 1,**
30 **2010, to offer space in City Hall as office space, to re-evaluate the City's membership after**
31 **one (1) year and for the City Manager to bring the contract back to City Commission for**
32 **approval.**

33
34 Mr. Larry McKinney, President of the Daytona Regional Chamber of Commerce, stated Deltona is
35 not paying more per capita than any other community, the population is based on the bureau of
36 economic analysis, the County has pledged \$333,000 and currently only has a "draft" contract. He
37 stated the County has pledged their support of the effort which is all that is being asked of the
38 Commission and a contract will be brought before the Commission for final approval. He stated
39 the board will decide the measures and the metrics and at the next board meeting there will be
40 discussions regarding the 12 or 14 things that could be placed in a contract, however, he doubts
41 that the board could accomplish all of them within a year but, the board could pick three (3) or
42 four (4) that they want to target. He stated some of the changes are the name, the governance, the
43 Chief Executive Officer (CEO) cabinet, the formula for funding, who is at the table, the
44 appointment of Vice President Joe Johnson, jobs and metrics.

45
46 County Councilwoman Pat Northey stated change cannot be made unless the City is at the table
47 and it is critical that Deltona be at the table for the whole process because Deltona has a lot of

1 economic development building to do. She stated she originally was opposed to this but, Team
2 Volusia, the counties, the cities and the Chamber of Commerce have worked together and she
3 truly believes that the project going forward will be a real collaborative effort and a one (1) year
4 commitment will show the benefit.

5
6 Rick Karl, Director of Aviation and Economic Resources for Volusia County, stated this is a
7 different model than what was originally presented, the Commission will have plenty of
8 opportunity to review the contract, County staff has worked hard to make sure this is a countywide
9 effort and this brings a private sector involvement.

10
11 **Motion carried with members voting as follows:**

12		
13	Commissioner Carmolingo	For
14	Commissioner Denizac	Against
15	Commissioner Deyette	For
16	Commissioner Treusch	For
17	Commissioner Zischkau	Against
18	Vice Mayor McFall-Conte	For
19	Mayor Mulder	For
20		

21 Ms. Miller asked if this is the time for the Commission to select someone as its representative.
22 Mr. McKinney replied the next meeting will be this week or the following week and it would be
23 great if the Commission could appoint someone to the board.

24
25 Mayor Mulder suggested Commissioner Treusch and Commissioner Treusch agreed with the
26 understanding that Commissioner Denizac would be the alternate appointment.

27
28 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Carmolingo to appoint**
29 **Commissioner Treusch as the City's appointment to Team Volusia and Commissioner**
30 **Denizac as the alternate.**

31
32 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
33 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**
34 **Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.**

35
36 **10. NEW BUSINESS:**

37
38 **A. Request for approval to grant a Construction and Maintenance Easement located on**
39 **Howland Blvd. at the Public Works Complex to Volusia County for the Howland Blvd.**
40 **Phase 3 road improvement project.**

41
42 **Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to approve the**
43 **granting said Construction and Maintenance Easement to Volusia County for the Howland**
44 **Blvd. Phase 3 road improvement project.**

45
46 **Motion carried with members voting as follows: Commissioner Carmolingo, For;**
47 **Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;**

1 Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.

2
3 **B. Resolution No. 2010-26, Expressing support of the City of Daytona Beach in their**
4 **request for a Certificate of Public Conveyance and Necessity (COPCN) for Advanced Life**
5 **Support Transport.**
6

7 Motion by Commissioner Denizac, seconded by Commissioner Carmolingo to adopt
8 Resolution No. 2010-26, expressing support for the City of Daytona Beach's request for a
9 COPCN for ALS transport services.
10

11 Motion carried with members voting as follows: Commissioner Carmolingo, For;
12 Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;
13 Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.
14

15 **C. Resolution No. 2010-27, Requesting that the Volusia County Council modify the City**
16 **of Deltona's Certificate of Public Conveyance and Necessity (COPCN) to allow the City to**
17 **provide contingency EMS transportation in certain circumstances.**
18

19 Motion by Vice Mayor McFall-Conte, seconded by Commissioner Deyette to adopt
20 Resolution No. 2010-27 requesting that Volusia County modify Deltona's Certificate of
21 Convenience and Necessity (COPCN) to allow the City of Deltona to provide contingency
22 EMS transport.
23

24 Motion carried with members voting as follows: Commissioner Carmolingo, For;
25 Commissioner Denizac, For; Commissioner Deyette, For; Commissioner Treusch, For;
26 Commissioner Zischkau, For; Vice Mayor McFall-Conte, For; and Mayor Mulder, For.
27

28 **11. CITY COMMISSION COMMENTS:**
29

30 a) Commissioner Treusch stated he was having surgery in the morning.
31

32 Commissioner Treusch left the meeting at 9:07 p.m.
33

34 b) Commissioner Denizac stated she is concerned regarding Vice Mayor McFall-Conte's request to
35 have a joint meeting with the County Council to talk about the JPA as well as several other
36 concerns and in the letter that the City Manager wrote to the County Council it was expressed that
37 the Commission also wanted to know the outcome of the flooding issues on Elkcarn and Howland
38 Blvds. She stated she is very disappointed with the response that was received which was that
39 there is no desire to meet with the City Commission. She stated the Commission talked about
40 joining hands and doing projects together with the County but, when the Commission requested
41 to be heard or engaged in a conversation to see where the City is at the request is denied. She
42 stated she wanted to express her disappointment because she thought it was a good idea to go
43 forward and meet with the County.
44

45 c) Commissioner Denizac suggested to add to one of the Commission workshops how to spend or
46 invest some of the money in the tree replacement fund because it seems like everyone has an idea
47 on how to spend the money but, she feels it would be a good idea to meet and make those

1 decisions or at least talk about it.

2
3 d) Commissioner Carmolingo congratulated Neighborhood Watch #49 who attended the meeting,
4 they are a big part of the City and he wished there were more groups like this to help the Sheriff's
5 office control crime. He stated to help neighbors and to be involved is a great thing which
6 improves self respect and mutual respect in neighborhoods.

7
8 e) Commissioner Carmolingo stated he only tries to go to businesses in Deltona and he has formed a
9 friendship with the owner of Beef O' Brady's who will start serving breakfast on the weekends.
10 He stated he went on Saturday morning for breakfast which was very good and it is important to
11 support businesses in Deltona.

12
13 f) Commissioner Carmolingo stated he received a request from the new bakery in the Wal-Mart
14 plaza on Howland Blvd. who had put signs out and they were taken down by Code Enforcement
15 which is correct according to the City's Ordinance. He stated he would like it if a new business
16 could be allowed to display signs for the first month and make an exception for them if possible
17 because the new businesses need to be supported as much as possible.

18
19 g) Commissioner Carmolingo stated he would like to answer the young man who spoke at the last
20 Commission meeting and stated how bad Deltona is because he is greatly concerned about what
21 he said. He stated the previous City Manager came to the Commission with a suggestion to
22 purchase the shopping center at Doyle Road and Courtland Blvd. for a cost of approximately \$4
23 million, most of the stores were occupied, the City would have collected rent and it was suggested
24 to put a youth center, senior center and a sheriff's substation where the Winn Dixie store was. He
25 stated this discussion happened at a workshop and was very informal but, it was turned down
26 because of the expenditure. He stated the Commission has tried to keep the City's parks up to
27 date and offer tennis courts, basketball courts, the Skate Park and splash pad. He stated he grew
28 up in Philadelphia, loved baseball and as an eight (8) or nine (9) year old he played baseball at
29 a school that had a concrete yard where he went home more than once with his lip busted and a scar
30 on his eye. He stated eventually the City dug up a cemetery which was the first park and ball
31 field that his neighborhood had. He stated there are a lot of City Boards/Committees that the
32 young people have been a part of like the Youth Advisory Sub-Committee and the Parks &
33 Recreation Advisory Committee which there is an opening on and are all volunteer positions. He
34 stated there are things for the residents of Deltona if they want to be involved. He stated he
35 remembered participating with Meals On Wheels which is an opportunity that is still available for
36 everyone. He stated he has always tried to be positive his whole life and he will continue to be
37 and he hoped his concerns are not taken out of line because he is not trying to criticize anyone.
38 He stated he is concerned that he has not done his job in the City of Deltona but, he has definitely
39 tried and everything that the Commission has done is for the residents of Deltona. He apologized
40 if he has not satisfied everyone.

41
42 h) Commissioner Deyette congratulated Neighborhood Watch #49 and she thanked the Volusia
43 County Sheriff's Office and everyone that took part in National Night Out. She stated it was a
44 good turnout considering it was the first time the City had the event and several people suggested
45 having the event in February but, since it is a national event she did not think the northern States
46 would appreciate having the event in February.

47
48 i) Commissioner Deyette stated her neighborhood watch group is very young but, already they have

1 learned what the Neighborhood Watch #49 knows and have been able to thwart crime a couple of
2 different times. She stated Neighborhood Watch is a good program that she just cannot say
3 enough about and urged neighborhoods to get involved.
4

5 j) Commissioner Deyette stated the City does have other places residents can go for breakfast like
6 the Scrub Jay Café at the library or Good Eats on Deltona Blvd. but, she is glad that Beef O'
7 Brady's re-opened.
8

9 k) Commissioner Zischkau reminded everyone that early voting has already been going on for a
10 week at the library but, not at the precincts yet, leading up to the Primary Election which will be
11 on August 24th. He stated there is no line, it is very convenient, people can vote Monday through
12 Saturday from 8:00 a.m. to 4:00 p.m. and he urged people to take advantage of voting early if
13 they could.
14

15 l) Commissioner Zischkau stated the second concern he has is a very disturbing subject of sky
16 rocketing water bills. During this Primary Election campaign he has been talking with people at
17 their homes and has learned more about their outrageous water bills. The worst problem is for
18 people who still water their lawns. He stated he was shocked to find out that people who water
19 their lawns have seen water bills that were \$40 or \$50 a couple of years ago go up to \$150 to
20 \$250 which is more than a 100% increase. This is on standard Deltona lots of 80 feet by 125 feet
21 or less, not acreage. There are two (2) causes, in 2008 this Commission voted to raise water
22 charges 17 ¼% per year each year for five (5) years. The City is in year two (2) now so that is
23 more than 35% compounded and it will get worse in year three (3) unless the new Commission in
24 November does something to stop the increases. The second problem is because the charges went
25 up more than 100% for people who water their yards he believes this is caused by the second rate
26 bracket having gone up more than the 35% increase that the Commission actually voted on and
27 therefore he is going to begin an investigation to find out why the charges for the second and any
28 higher brackets for usage have gone up more than the 17 ¼% per year. He stated he does not
29 remember the Commission ever approving a number but, he does remember Dave Denny, before
30 he became Deputy City Manager, telling the Commission that he was going to raise the higher
31 bracket in order to "encourage conservation" which he does not believe ever came back before
32 the Commission. He stated he does not believe that the Commission ever gave Faith Miller's
33 administration of the City any actual numeric approval for these brackets and so he will report
34 back to the citizens of Deltona on what he finds out once he gathers the information.
35

36 m) Vice Mayor McFall-Conte thanked the Boy Scout in the audience for sitting through the whole
37 meeting because she knows the meetings are not very exciting but, she can remember at his age
38 sitting in government meetings. She stated she knows the meetings are not exciting but, maybe
39 the Commission could inspire him to sit up on the dais one day.
40

41 n) Vice Mayor McFall-Conte stated she has the same concerns that Commissioner Denizac has
42 about the email the Commission received from the County today and she mentioned it to
43 Councilwoman Northey who will bring it up under her items at Thursday's County Council
44 Meeting.
45

46 o) Vice Mayor McFall-Conte stated she noticed when looking at the County Council's agenda, they
47 had all of the COPCNs on the Consent Agenda two (2) weeks ago and now they are all public
48 hearings scheduled for Thursday.

- 1
2 p) Vice Mayor McFall-Conte stated Mr. DeMatteo showed the Commission a sign which she thinks
3 is a good task maybe for the Beautification Advisory Board to see if there are businesses that
4 might be willing to donate money to place the signs throughout the City and she liked the design
5 of Mr. DeMatteo's sign.
6
- 7 q) Vice Mayor McFall-Conte stated to echo Commissioner Zischkau's comment regarding early
8 voting, this City has a history of close races. She stated there is not a lot on the ballot, if you live
9 in a district there is a district race, the Mayor's race and then there is the State and County races.
10 She stated it does not take long to get educated, fill in the sample ballot and go vote because one
11 (1) vote will make a difference and it usually does in Deltona's races. She urged everyone to take
12 the time to vote either by voting early, by absentee or on election day because there is ample
13 opportunity to vote and it is the people's right.
14
- 15 r) Mayor Mulder stated most of the members of the public who attend the meetings know the
16 goings on of City Hall because they attend the meetings but, there are people who watch the
17 meetings at home and certainly he hopes that Commissioner Zischkau's investigation does not
18 come back that staff has unwittingly sprung on everyone a 200% and 300% increase in water bills
19 that has been talked about. He stated everyone he knows and has talked to their water bills have
20 remained consistent unless there is an issue and staff is usually able to help those customers work
21 them out and are because of either a leaky pipe or that they did not realize conservation rates went
22 into effect or if they have used over a certain amount retroactively back to the beginning of the
23 first gallon they are charged the higher rate but, that is something that is happening all over the
24 State and is mandated for cities to do. He stated this Commission labored very hard over
25 increases a couple of years ago and part of that discussion was when the City bought the water
26 company there was a commitment by the Commission that the rates would not go up for five (5)
27 years which was well intentioned, was a good thing and it gave the residents some confidence that
28 the City could manage the water company in a responsible way. The result of that was five (5)
29 years before the City bought the water company and did not raise rates for an entire five (5) years
30 before that the rates had not increased so it was a period of 10 years where rates had not been
31 increased. He stated in a sense the City is playing catch up but, he just wanted the public to know
32 that the Commission increased the rates over a period of time only enough to cover the City's
33 debt service. He stated the City has to have enough revenue coming in to pay the bond which is
34 like a mortgage, so the City did not default on the bond and the Commission did not scheme
35 together to raise prices on ourselves and our neighbors.
36
- 37 s) Mayor Mulder stated he attended a luau at the Sons of Italy with Captain Brannon honoring one
38 of the sheriff's deputies and afterwards he went straight to the amphitheatre where Caribbean
39 music was being played so he was already in costume. He stated it was a wonderful event, the
40 place was packed and the talent was incredible. He stated every time he goes to the amphitheatre
41 he really marvels at it and he thinks it will be one of the legacies of this Commission. He stated
42 he wanted to mention for future discussion, when the talent is good the people come out and
43 when he asked somebody what the City paid it was a couple thousand but, the difference that it
44 made especially in a City this size to have real talent or talent that is recognized come to the City
45 lit up the crowd and people were welcome to go up on stage to dance. He stated it was a nice
46 thing as the Mayor to sit back and watch the people enjoy something that the Commission worked
47 hard to do. He thanked staff for putting on the event and he stated the level of talent and

1 investment should be considered when putting on these types of events because everyone came
2 together. He suggested those people who have not attended Music at the Amphitheatre to do so.
3 He stated leading up to the event all the staff were talking about the group that would be
4 performing, there was a sort of build up to the event and it was apparent as to why.
5

6 **12. CITY ATTORNEY COMMENTS:**
7

8 Mr. Cooney stated a topic was raised to him today to respond to the annexation which was brought
9 up before regarding mandatory annexation for water hookups and those types of things. He stated
10 he has drafted two (2) agreements, one (1) which is a fairly involved agreement for corporate
11 entities or large development entities, sort of a pioneering agreement that are under review right
12 now by staff to make sure he is within his bounds on those agreements. The other is an agreement
13 that typically an individual customer would sign who is outside the City but, looking to use the
14 City's water with a covenant to annex the property upon such time as being contiguous. He stated
15 he is looking at making some slight adjustments to one of the City's Ordinances at the same time
16 probably including a provision that says "if you want to use City of Deltona water that water is
17 provided to residents and we either want you to be a resident or agree to become a resident".
18

19 **13. CITY MANAGER COMMENTS:**
20

21 Ms. Miller stated regarding the streetlights on Doyle Road, staff has been working with the two (2)
22 power companies and it has taken this long to get an estimate from Florida Power & Light (FPL) as
23 far as the installation, there is more cost than just the monthly charge for the lights. She stated staff is
24 still waiting on the estimate from Progress Energy. She stated the cost is most likely going to be
25 within her spending authority but, she would probably need to bring it back to the Commission for a
26 budget amendment.
27

28 Ms. Miller commented on what was said earlier by Commissioner Zischkau, the City Commission
29 adopted conservation block rates in accordance with St. Johns River Water Management District
30 rules two and a half (2 ½), three (3) years ago and any documentation Commissioner Zischkau
31 would like to look at is available.
32

33 Ms. Miller asked if it was the consensus of the Commission to discuss how to spend the tree
34 replacement funds at the next workshop which was brought up by Commissioner Denizac. Mayor
35 Mulder replied he is okay with it, maybe Steve Moore and Ms. Miller could work together and get
36 back with the Commission on it. He explained that the Commission was interested in using some
37 of this money, especially since there were roads coming online that were not landscaped yet or did
38 not have any trees. He suggested talking to the Beautification Advisory Board or getting whatever
39 recommendations they have made but, every location Larry DeMatteo mentioned he agreed with.
40

41 Ms. Miller stated staff had proposed having more landscaping at Harris M. Saxon Park and
42 Keysville Park which includes the requirement for irrigation so those were two (2) parks that were
43 in next year's budget for improvements.
44

45 **Mayor Mulder asked if everyone was okay with discussing how to spend or invest some of**
46 **the money in the tree replacement fund at the next workshop and the Commission**
47 **concurred.**

14. ADJOURNMENT:

There being no further business, the meeting adjourned at 9:34 p.m.

ATTEST:

Dennis Mulder, MAYOR

Joyce Kent, CITY CLERK